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C O N F I D E N T I A L AMMAN 005626

SIPDIS

E.O. 12958: DECL: 09/30/2012

TAGS: PREL PGOV US JO UN

SUBJECT: MFA LEGAL ADVISOR SAYS ARTICLE 98 AGREEMENT STILL STUCK IN INTERNAL GOJ DISCUSSIONS

Classified By: Amb. Edward W. Gnehm for reasons 1.5 (B) and (D)

¶1. (U) This is an action request for the Department. See para 5 below.

¶2. (C) MFA Legal Advisor Samer Naber told PolCouns September 29 that the GOJ has not yet reached a conclusion on whether it can sign a bilateral Article 98 agreement with the U.S. He noted that, although Justice Minister Nabulsi claimed to the DCM September 15 that the MOJ had finished formulating its opinion on such an agreement, the MOJ has not yet forwarded that opinion to the MFA. Naber promised to try to spring the paper loose from the MOJ.

¶3. (C) Furthermore, Naber continued, there are "political concerns," mostly on the part of Jordanian UN PermRep Prince Zaid bin Raad, that signing a bilateral Article 98 agreement with the U.S. would undercut Jordan's credibility as chair of the ICC member states' group. Naber, who just returned from ICC discussions in New York earlier in September, noted that he felt far less interest in signing Article 98 agreement among other ICC member states than two months ago: discussion of Iraq has eclipsed discussion of Article 98 and the ICC in New York.

¶4. (C) PolCouns noted that, while Naber was in New York, the number of states that have signed Article 98 agreements with the U.S. has grown from two to twelve. He urged Jordan to follow suit. Naber said that it would be helpful to know which twelve states had signed Article 98 agreements with the U.S., and whether any of them had signed or acceded to the ICC.

ACTION REQUEST

¶5. (C) Post would appreciate it if the department could forward by cable or e-mail (to Political Counselor Douglas Silliman) a list of those countries that have signed bilateral Article 98 agreements with the U.S., and whether or not those countries have also signed or acceded to the ICC.

GNEMH